

House File 569

H-1133

1 Amend House File 569 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 147.1, subsections 3 and 6,
5 Code 2013, are amended to read as follows:

6 3. "*Licensed*" or "*certified*", when applied
7 to a physician and surgeon, podiatric physician,
8 osteopathic physician and surgeon, physician assistant,
9 psychologist, chiropractor, nurse, dentist, dental
10 hygienist, dental assistant, optometrist, speech
11 pathologist, audiologist, pharmacist, physical
12 therapist, physical therapist assistant, occupational
13 therapist, occupational therapy assistant, orthotist,
14 prosthetist, pedorthist, respiratory care practitioner,
15 practitioner of cosmetology arts and sciences,
16 practitioner of barbering, funeral director, dietitian,
17 marital and family therapist, mental health counselor,
18 social worker, substance and addictive disorder
19 counselor, master substance and addictive disorder
20 counselor, independent substance and addictive
21 disorder counselor, substance and addictive disorder
22 prevention professional, massage therapist, athletic
23 trainer, acupuncturist, nursing home administrator,
24 hearing aid dispenser, or sign language interpreter
25 or transliterator means a person licensed under this
26 subtitle.

27 6. "*Profession*" means medicine and surgery,
28 podiatry, osteopathic medicine and surgery, practice
29 as a physician assistant, psychology, chiropractic,
30 nursing, dentistry, dental hygiene, dental assisting,
31 optometry, speech pathology, audiology, pharmacy,
32 physical therapy, physical therapist assisting,
33 occupational therapy, occupational therapy assisting,
34 respiratory care, cosmetology arts and sciences,
35 barbering, mortuary science, marital and family
36 therapy, mental health counseling, social work,
37 substance and addictive disorder counseling, substance
38 and addictive disorder prevention services, dietetics,
39 massage therapy, athletic training, acupuncture,
40 nursing home administration, hearing aid dispensing,
41 sign language interpreting or transliterating,
42 orthotics, prosthetics, or pedorthics.

43 Sec. 2. Section 147.2, subsection 1, Code 2013, is
44 amended to read as follows:

45 1. A person shall not engage in the practice of
46 medicine and surgery, podiatry, osteopathic medicine
47 and surgery, psychology, chiropractic, physical
48 therapy, physical therapist assisting, nursing,
49 dentistry, dental hygiene, dental assisting, optometry,
50 speech pathology, audiology, occupational therapy,

1 occupational therapy assisting, orthotics, prosthetics,
2 pedorthics, respiratory care, pharmacy, cosmetology
3 arts and sciences, barbering, social work, dietetics,
4 marital and family therapy or mental health counseling,
5 substance and addictive disorder counseling or
6 substance and addictive disorder prevention services,
7 massage therapy, mortuary science, athletic training,
8 acupuncture, nursing home administration, hearing
9 aid dispensing, or sign language interpreting or
10 transliterating, or shall not practice as a physician
11 assistant, unless the person has obtained a license for
12 that purpose from the board for the profession.

13 Sec. 3. Section 147.13, subsection 16, Code 2013,
14 is amended to read as follows:

15 16. For marital and family therapy, and mental
16 health counseling, substance and addictive disorder
17 counseling, and substance and addictive disorder
18 prevention services, the board of behavioral science.

19 Sec. 4. Section 147.14, subsection 1, paragraph m,
20 Code 2013, is amended to read as follows:

21 m. For behavioral science, three two members
22 licensed to practice marital and family therapy, all
23 both of whom shall be practicing marital and family
24 therapists; three two members licensed to practice
25 mental health counseling, one of whom shall be employed
26 in graduate teaching, training, or research in mental
27 health counseling and two one of whom shall be a
28 practicing mental health counselors counselor; two
29 members licensed to practice substance and addictive
30 disorder counseling or substance and addictive disorder
31 prevention services; and three members who are not
32 licensed to practice marital and family therapy, or
33 mental health counseling, substance and addictive
34 disorder counseling, or substance and addictive
35 disorder prevention services and who shall represent
36 the general public.

37 Sec. 5. Section 147.74, Code 2013, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 23A. A substance and addictive
40 disorder counselor licensed under chapter 154D may use
41 the words "licensed substance and addictive disorder
42 counselor" after the person's name or signify the
43 same by the use of the letters "L.S.A.D.C." after
44 the person's name. A master substance and addictive
45 disorder counselor licensed under chapter 154D may use
46 the words "licensed master substance and addictive
47 disorder counselor" after the person's name or signify
48 the same by the use of the letters "L.M.S.A.D.C."
49 after the person's name. An independent substance and
50 addictive disorder counselor licensed under chapter

1 154D may use the words "licensed independent substance
2 and addictive disorder counselor" after the person's
3 name or signify the same by the use of the letters
4 "L.I.S.A.D.C." after the person's name. A substance
5 and addictive disorder prevention professional
6 licensed under chapter 154D may use the words
7 "licensed substance and addictive disorder prevention
8 professional" after the person's name or signify the
9 same by the use of the letters "L.S.A.D.P.P." after the
10 person's name.

11 Sec. 6. Section 154D.1, subsection 4, Code 2013, is
12 amended to read as follows:

13 4. *"Licensee"* includes a licensed marital and
14 family therapist, ~~and~~ a licensed mental health
15 counselor, a licensed substance and addictive
16 disorder counselor, a licensed master substance and
17 addictive disorder counselor, a licensed independent
18 substance and addictive disorder counselor, and a
19 licensed substance and addictive disorder prevention
20 professional.

21 Sec. 7. Section 154D.1, Code 2013, is amended by
22 adding the following new subsections:

23 NEW SUBSECTION. 1A. *"Licensed independent substance*
24 *and addictive disorder counselor"* means a person
25 licensed to practice substance and addictive disorder
26 counseling as an independent substance and addictive
27 disorder counselor pursuant to this chapter. A
28 licensed independent substance and addictive disorder
29 counselor is qualified to practice independently in
30 private practice.

31 NEW SUBSECTION. 2A. *"Licensed master substance and*
32 *addictive disorder counselor"* means a person licensed to
33 practice substance and addictive disorder counseling
34 as a master substance and addictive disorder counselor
35 pursuant to this chapter. A licensed master substance
36 and addictive disorder counselor may practice in a
37 program licensed or excepted from licensure pursuant
38 to chapter 125.

39 NEW SUBSECTION. 3A. *"Licensed substance and*
40 *addictive disorder counselor"* means a person licensed to
41 practice substance and addictive disorder counseling
42 pursuant to this chapter. A licensed substance and
43 addictive disorder counselor may practice in a program
44 licensed or excepted from licensure pursuant to
45 chapter 125, under the clinical oversight of a licensed
46 master substance and addictive disorder counselor or a
47 licensed independent substance and addictive disorder
48 counselor.

49 NEW SUBSECTION. 3B. *"Licensed substance and*
50 *addictive disorder prevention professional"* means a

1 person licensed to provide substance and addictive
2 disorder prevention services pursuant to this chapter.

3 NEW SUBSECTION. 6A. "*Substance and addictive*
4 *disorder counseling*" means counseling of persons with
5 substance and addictive disorders which consists of
6 the application of general counseling theories and
7 treatment methods adopted with the express purpose of
8 treating alcohol, drug, and gambling problems.

9 NEW SUBSECTION. 6B. "*Substance and addictive*
10 *disorder prevention services*" means services that
11 implement strategies and activities that have been
12 shown to increase protective factors, prevent high-risk
13 behaviors, and effectively reduce rates of substance
14 and addictive disorders.

15 Sec. 8. NEW SECTION. 154D.2A Licensure —
16 substance and addictive disorder counseling and
17 prevention services.

18 1. An applicant for a license to practice as a
19 substance and addictive disorder counselor shall
20 be granted a license by the board if the applicant
21 satisfies all of the following requirements:

22 a. Possesses a bachelor's degree in substance
23 and addictive disorders or a mental health
24 counseling-related area from an accredited educational
25 institution or from a program approved by the board.

26 b. Possesses the required years of supervised
27 clinical experience or its equivalent as approved by
28 the board.

29 c. Passes an examination approved by the board.

30 2. An applicant for a license to practice as a
31 master substance and addictive disorder counselor shall
32 be granted a license by the board if the applicant
33 satisfies all of the following requirements:

34 a. Possesses a master's degree in substance
35 and addictive disorders or a mental health
36 counseling-related area from an accredited educational
37 institution or from a program approved by the board.

38 b. Possesses the required years of supervised
39 clinical experience or its equivalent as approved by
40 the board.

41 c. Passes an examination approved by the board.

42 3. An applicant for a license to practice as an
43 independent substance and addictive disorder counselor
44 shall be granted a license by the board if the
45 applicant satisfies all of the following requirements:

46 a. Possesses a master's degree in substance
47 and addictive disorders or a mental health
48 counseling-related area from an accredited educational
49 institution or from a program approved by the board.

50 b. Possesses the required years of supervised

1 clinical experience or its equivalent as approved by
2 the board.

3 c. Has at least one year of experience in the
4 treatment of and service delivery for substance and
5 addictive disorders.

6 d. Passes an examination approved by the board.

7 4. An applicant for a license to provide substance
8 and addictive disorder prevention services shall
9 be granted a license by the board if the applicant
10 satisfies all of the following requirements:

11 a. Possesses a bachelor's degree in a substance and
12 addictive disorders prevention-related area from an
13 accredited educational institution or from a program
14 approved by the board.

15 b. Possesses the required years of supervised
16 clinical experience or its equivalent as approved by
17 the board.

18 c. Passes an examination approved by the board.

19 Sec. 9. NEW SECTION. 154D.2B Scope of work —
20 **substance and addictive disorder counseling.**

21 1. a. The scope of work for a person licensed as
22 a substance and addictive disorder counselor includes
23 all of the following and applies to co-occurring mental
24 health problems that are within the limits of the
25 person's training and experience:

26 (1) Clinical evaluation, including formulation
27 of a diagnosis of a substance and addictive disorder,
28 with review by an independent substance and addictive
29 disorder counselor, a master substance and addictive
30 disorder counselor, or a mental health professional
31 as defined in section 228.1; screening, brief
32 intervention, and referral to treatment.

33 (2) Treatment planning.

34 (3) Referral.

35 (4) Service coordination and case management.

36 (5) Counseling, therapy, and education with
37 individuals, families, and groups.

38 (6) Substance and addictive disorder services
39 including client, family, and community education.

40 (7) Documentation.

41 (8) Professional and ethical responsibilities.

42 (9) Supervision of licensed substance and addictive
43 disorder prevention professionals.

44 b. A person licensed as a substance and addictive
45 disorder counselor may practice at a facility, in a
46 primary care setting, or under the clinical supervision
47 of an independent substance and addictive disorder
48 counselor or a master substance and addictive disorder
49 counselor.

50 2. a. The scope of work for a person licensed as

1 a master substance and addictive disorder counselor
2 includes all of the following and applies to
3 co-occurring mental health problems that are within the
4 limits of the person's training and experience:
5 (1) Clinical evaluation, including the diagnosis
6 of substance and addictive disorders, screening, and
7 assessment.
8 (2) Treatment planning.
9 (3) Referral.
10 (4) Service coordination and case management.
11 (5) Counseling, therapy, and education with
12 individuals, families, and groups.
13 (6) Substance and addictive disorder services
14 including client, family, and community education.
15 (7) Documentation.
16 (8) Professional and ethical responsibilities.
17 (9) Supervision of licensed substance and addictive
18 disorder counselors and licensed substance and
19 addictive disorder prevention professionals.
20 b. A person licensed as a master substance and
21 addictive disorder counselor may practice at a
22 facility, in a primary care setting, or under the
23 clinical supervision of an independent substance and
24 addictive disorder counselor.
25 3. a. The scope of work for a person licensed
26 as an independent substance and addictive disorder
27 counselor includes all of the following and applies to
28 co-occurring mental health problems that are within the
29 limits of the person's training and experience:
30 (1) Clinical evaluation, including the diagnosis
31 of substance and addictive disorders, screening, and
32 assessment.
33 (2) Treatment planning.
34 (3) Referral.
35 (4) Service coordination and case management.
36 (5) Counseling, therapy, and education with
37 individuals, families, and groups.
38 (6) Substance and addictive disorder services
39 including client, family, and community education.
40 (7) Documentation.
41 (8) Professional and ethical responsibilities.
42 (9) Supervision of licensed substance and addictive
43 disorder counselors, licensed master substance and
44 addictive disorder counselors, and licensed substance
45 and addictive disorder prevention professionals.
46 b. A person licensed as an independent substance
47 and addictive disorder counselor may practice at
48 a facility, in a primary care setting, or as an
49 independent private practitioner.
50 Sec. 10. Section 154D.3, subsection 1, paragraph b,

1 Code 2013, is amended to read as follows:

2 *b. (1) Standards for professional conduct of*
3 *persons licensed under this chapter.*

4 *(2) Standards for professional conduct for*
5 *persons practicing substance and addictive disorder*
6 *counseling or providing substance and addictive*
7 *disorder prevention services shall address the*
8 *following: informed consent, supervision, privacy and*
9 *confidentiality, record keeping, access to records,*
10 *billing and fees, conflicts of interest, physical*
11 *contact, termination of service, misrepresentation,*
12 *disclosure, impairment, research, and other areas as*
13 *determined by the board.*

14 Sec. 11. Section 154D.3, subsection 1, Code 2013,
15 is amended by adding the following new paragraphs:

16 NEW PARAGRAPH. *f.* Requirements for a notification
17 provided by a licensed substance and addictive disorder
18 counselor, licensed master substance and addictive
19 disorder counselor, licensed independent substance and
20 addictive disorder counselor, or a licensed substance
21 and addictive disorder prevention professional to
22 the board regarding professional disciplinary action
23 taken against the person in any state. Professional
24 disciplinary action in any state may be grounds for
25 termination of a license to practice substance and
26 addictive disorder counseling or provide substance
27 and addictive disorder prevention services under this
28 chapter.

29 NEW PARAGRAPH. *g.* Requirements for listing
30 professional degrees related to substance and addictive
31 disorder counseling or substance and addictive disorder
32 prevention services.

33 NEW PARAGRAPH. *h.* Requirements for the accepted
34 standards of professional competence for a license to
35 practice substance and addictive disorder counseling or
36 substance and addictive disorder prevention services.

37 NEW PARAGRAPH. *i.* Requirements for allowing
38 reciprocity for persons licensed in other jurisdictions
39 to become licensed to practice as substance and
40 addictive disorder counselors or substance and
41 addictive disorder prevention professionals if the
42 qualifications for licensure in the other jurisdiction
43 are equivalent.

44 Sec. 12. Section 154D.4, subsection 1, Code 2013,
45 is amended to read as follows:

46 1. This chapter and chapter 147 do not prevent
47 qualified members of other professions, including
48 but not limited to nurses, psychologists, social
49 workers, physicians, physician assistants, attorneys
50 at law, or members of the clergy, from providing or

1 advertising that they provide services of a marital
2 and family therapy, ~~or~~ mental health counseling,
3 substance and addictive disorder counseling, or
4 substance and addictive disorder prevention services
5 nature consistent with the accepted standards of their
6 respective professions, but these persons shall not use
7 a title or description denoting that they are licensed
8 marital and family therapists, ~~or~~ licensed mental
9 health counselors, licensed substance and addictive
10 disorder counselors, licensed master substance and
11 addictive disorder counselors, licensed independent
12 substance and addictive disorder counselors, or
13 licensed substance and addictive disorder prevention
14 professionals.

15 Sec. 13. Section 154D.4, subsection 2, paragraphs a
16 and b, Code 2013, are amended to read as follows:

17 a. Students whose activities are conducted within
18 a course of professional education in marital and
19 family therapy, ~~or~~ mental health counseling, substance
20 and addictive disorder counseling, or substance and
21 addictive disorder prevention services.

22 b. A person who practices marital and family
23 therapy, ~~or~~ mental health counseling, substance
24 and addictive disorder counseling, or substance and
25 addictive disorder prevention services under the
26 supervision of a person licensed under this chapter as
27 part of a clinical experience as described in section
28 154D.2, subsection 2, or section 154D.2A.

29 Sec. 14. Section 154D.5, Code 2013, is amended to
30 read as follows:

31 **154D.5 Sexual conduct with client.**

32 The license of a marital and family therapist, ~~or~~
33 a mental health counselor, a substance and addictive
34 disorder counselor, a master substance and addictive
35 disorder counselor, an independent substance and
36 addictive disorder counselor, or a substance and
37 addictive disorder prevention professional shall be
38 revoked if the board finds that the licensee engaged in
39 sexual activity with a client as determined by board
40 rule. The revocation shall be in addition to any other
41 penalties provided by law.

42 Sec. 15. **NEW SECTION. 154D.8 Temporary license —**
43 **substance and addictive disorder counseling — substance**
44 **and addictive disorder prevention services — fees.**

45 A person who has fulfilled all of the applicable
46 requirements for licensure under section 154D.2A except
47 for completion of the supervised clinical experience
48 requirement as determined by the board, may apply to
49 the board for a temporary license. A temporary license
50 shall be designated as such and shall authorize the

1 licensee to practice substance and addictive disorder
2 counseling or to provide substance and addictive
3 disorder prevention services under the supervision of
4 a qualified supervisor as determined by the board.
5 The license shall be valid for three years and may be
6 renewed at the discretion of the board. The fee for a
7 temporary license shall be set by the board to cover
8 the administrative cost of issuing the license and, if
9 renewed, a renewal fee as set by the board shall be
10 required.

11 Sec. 16. Section 232.69, subsection 1, paragraph
12 b, subparagraph (6), Code 2013, is amended to read as
13 follows:

14 (6) ~~An~~ A person licensed to practice substance and
15 addictive disorder counseling or prevention services or
16 an employee or operator of a substance abuse program or
17 facility licensed under chapter 125.

18 Sec. 17. Section 235B.3, subsection 2, Code 2013,
19 is amended by adding the following new paragraph:

20 NEW PARAGRAPH. i. A person licensed to practice
21 substance and addictive disorder counseling or
22 prevention services.

23 Sec. 18. TRANSITION PROVISIONS.

24 1. Notwithstanding sections 147.14 and 147.16,
25 the governor may initially appoint to the board
26 of behavioral science pursuant to section 147.14,
27 subsection 1, paragraph "m", as amended by this Act,
28 subject to confirmation by the senate, in lieu of the
29 members licensed to practice substance and addictive
30 disorder counseling and substance and addictive
31 disorder prevention services, members with experience
32 and expertise that is substantially equivalent to the
33 professional requirements for a license to practice
34 substance and addictive disorder counseling or
35 substance and addictive disorder prevention services.

36 2. a. A substance and addictive disorder counselor
37 practicing substance and addictive disorder counseling
38 or a substance and addictive disorder prevention
39 professional providing substance and addictive disorder
40 prevention services on or before January 1, 2015, may
41 continue practicing substance and addictive disorder
42 counseling or providing substance and addictive
43 disorder prevention services, as applicable, while
44 completing licensure as required under this Act.

45 b. A person practicing substance and addictive
46 disorder counseling or providing substance and
47 addictive disorder prevention services on or before
48 January 1, 2015, that possesses credentials acceptable
49 to the board of behavioral science but does not meet
50 the requirements for licensure in section 154D.2A, as

1 enacted in this Act, shall be eligible for licensure
2 as a substance and addictive disorder counselor
3 or substance and addictive disorder prevention
4 professional as determined by the board. Those
5 persons receiving licenses pursuant to this paragraph
6 shall remain eligible for renewal of the license
7 notwithstanding the requirements of section 154D.2A,
8 as enacted in this Act, unless the board otherwise
9 determines the person is not eligible for renewal of
10 the license.

11 c. The board of behavioral science shall adopt
12 rules to provide a transition process that allows
13 the substance and addictive disorder counselors
14 and substance and addictive disorder prevention
15 professionals described in this subsection to complete
16 the requirements for licensure and obtain a license or
17 to obtain a license notwithstanding section 154D.2A as
18 enacted in this Act based on the person's credentials,
19 no later than June 30, 2016.

20 Sec. 19. IMPLEMENTATION.

21 1. The sections of this Act relating to
22 requirements for licensure of substance and addictive
23 disorder counselors, master substance and addictive
24 disorder counselors, independent substance and
25 addictive disorder counselors, and substance and
26 addictive disorder prevention professionals, including
27 sections 154D.2A, 154D.2B, and 154D.8, as enacted in
28 this Act; and sections 147.1, 147.2, 147.13, 147.74,
29 154D.1, 154D.3, 154D.4, and 154D.5, as amended in this
30 Act, shall be implemented so the requirements are
31 applicable beginning no later than January 1, 2015.

32 2. The implementation of licensure for substance
33 and addictive disorder counselors, master substance and
34 addictive disorder counselors, independent substance
35 and addictive disorder counselors, and substance and
36 addictive disorder prevention professionals is subject
37 to the approval of a one-time state appropriation to
38 cover the initial administrative costs.

39 Sec. 20. EFFECTIVE UPON ENACTMENT. This Act, being
40 deemed of immediate importance, takes effect upon
41 enactment.>

42 2. Title page, by striking lines 2 and 3 and
43 inserting <substance and addictive disorder counseling
44 or providing substance and addictive disorder
45 prevention services, making penalties>

46 3. Title page, line 4, after <including> by
47 inserting <transition, implementation, and>

M. SMITH of Marshall